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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Amendment to FCC Form 303-S,  
Regarding Renewal Reporting  
Requirements for Full Power,  
Commercial AM, FM and TV  
Broadcast Stations

)  
)  
) FO Docket 92-304  
)  
)  
)

COMMENTS OF NATIONAL PUBLIC RADIO

National Public Radio (NPR) offers the following Comments in response to the Notice of Proposed Rulemaking (NPRM) in the above identified docket. NPR is a nonprofit, noncommercial organization which provides programming and interconnection services to 464 full-service public radio stations and which represents them in developing and maintaining a viable and diverse public radio service for the American public.

NPR is sympathetic to the Commission's goal of ensuring that commercial AM, FM and TV stations comply with the requirements of 47 C.F.R. sections 73.1740 and 73.1750 (1991) which require notice to the Commission of discontinued operation of the station and tender of license when discontinuance of operations is permanent. We are, however, concerned about the possibility of an unintended impact on public radio stations by the rule change proposed in this NPRM.

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The Commission proposes an amendment to FCC Form 303-S. The amendment would add the following question: "Is the station off the air as of the date of this filing?" Form 303-S currently applies to both commercial and noncommercial broadcast stations. As a result, it is foreseeable that noncommercial educational stations will interpret the added question as applicable to them, despite the Commission's stated intention to exempt them from supplying this information. The NPRM states in part: "...we are not proposing to modify the information required of licensees of these [noncommercial educational AM, FM and TV] stations at renewal time." (See NPRM, footnote 1)

The minimum operating schedule regulations found in 47 C.F.R. section 73.1740 clearly distinguish between commercial and noncommercial broadcast stations. Under section 73.1740(b) of the Commission's rules, noncommercial educational AM and TV stations are not required to operate on a regular schedule nor maintain a minimum number of operating hours. In addition, noncommercial educational FM stations are subject to section 73.561(a) which requires operation for 36 hours per week, consisting of at least 5 hours per day of operation on at least 6 days of the week. FM stations licensed to educational institutions, however, are not required to operate on Saturday or Sunday, nor to observe the minimum operational requirements during officially designated vacation and recess periods.

If Form 303-S is amended as proposed, a noncommercial educational station, particularly one licensed to an educational institution, filing a Form 303-S during a vacation period when it is off the air would be required to give an affirmative response to the new question. The station would then have to provide an explanation of its operating schedule, which under the rules for noncommercial stations allows the station to be off the air during that period. This added burden is unnecessary and clearly unintended.

NPR suggests that the Commission avoid confusion and unnecessary data collection by maintaining a distinction on the form between the operational requirements of noncommercial and commercial broadcast stations. If the Commission decides to adopt the additional question set forth in the NPRM, it should amend the instructions for FCC 303-S to make clear that noncommercial broadcast stations are exempt from answering this question. NPR suggests that the instructions for the proposed question 9 include the following:

"Question 9 does not apply to noncommercial educational FM, AM or TV stations which are governed by sections 73.561(a) and 73.1740(b) of the Commission's rules."

The instructions for Question 4(b) on Form 303-S currently distinguish the Commission's rules for the filing of ownership reports by noncommercial educational and commercial stations.

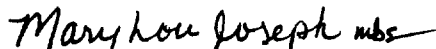
NPR's suggestion is thus consistent with the Commission's existing practice.

NPR and the Commission share a common interest in avoiding unnecessary confusion when complying with the Commission's regulations. By adopting the preceding suggestion, the Commission could prevent such confusion and thereby facilitate accurate compliance with renewal and operational requirements.

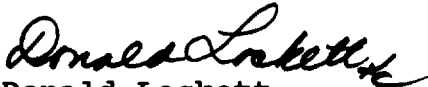
Respectfully submitted,



Theodore A. Miles  
General Counsel



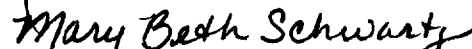
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